

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 763 of 1997

SUSHILABEN WIDOW OF ISHWARLALPUJARA

Versus

STATE OF GUJARAT

Appearance:

MR YOGESH S LAKHANI for Petitioners

MR SJ DAVE AGP for Respondent No. 1

RULE SERVED BY DS for Respondent No. 3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 19/07/1999

ORAL JUDGEMENT

1. The petitioners herein have challenged the various orders passed under the provisions of Urban Land (Ceiling & Regulation) Act, 1976, culminating the notice demanding possession under section 10(5) of the said Act. It is not necessary to go into the detailed discussion of the grounds of challenge to the various orders except to note that the orders are sought to be quashed and set aside mainly on the ground that they were passed ex parte and without notice to the petitioners, whose interest in the lands in question was known to the respondents. As aforesaid, the last action in point of time was a notice demanding possession under section 10(5) of the Act of 1976.

2. The petitioners in para 14 of the petition have asserted actual and physical possession of the land in question. The respondents have not filed any affidavit-in-reply. Learned counsel for the respondents is also unable to point out from the record as to how the petitioners could have lost possession of the lands in question. It also requires to be noted that since 28th January, 1997, by orders passed in this petition, the parties have been directed to maintain status quo in respect of the lands in question, and the aforesaid ad interim relief was confirmed by subsequent orders dated

11th February, 1997. It therefore appears that the petitioners are in possession of the lands till today.

3. There cannot be any controversy that the State of Gujarat adopted on 30th March, 1999 Urban Land (Ceiling & Regulation) Repeal Act, 1999, and by virtue of section 4 of the said Act, all proceedings pending on the said date shall abate. Consequently, the present petition would also abate. It is accordingly so held and found.

4. This petition is accordingly disposed off. Rule discharged with no order as to costs. Interim relief stands vacated.

(Y.B. BHATT, J.)

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